

Serial No. 09/598,538

REMARKS

Claims 1-22 are presently pending in the application. Claims 1, 9, and 14 are independent form.

The dependencies originally recited in claims 15-17, 21 and 22 were incorrect and have been amended to provide the correct dependencies. Claim 14 has also been amended to correct a typographical error.

The Examiner did not provide a rejection for claims 10 and 11 in the Office Action. Applicant kindly requests the Examiner to provide in the next Office Action a rejection for these claims so that the Applicant can respond or indicate allowance of the claims.

Claims 1, 14, and 19 were rejected under §103 as being obvious over Vlcek in view of Hummelsheim. Claims 3, 7-8, and 16 were rejected under §103 as being obvious over Vlcek in view of Hummelsheim in further view of Shah. Claims 4 and 17 were rejected under §103 as being obvious over Vlcek in view of Hummelsheim and Shah in further view of Streit. Claims 18 and 21 were rejected under §103 as being obvious over Vlcek in view of Hummelsheim and Cisncros in further view of Khavakh. Claim 20 was rejected under §103 as being obvious over Vlcek in view of Hummelsheim in further view of Gazis.

The above rejections are directed to independent claims 1 and 14 and claims depending therefrom. Furthermore, the above rejections all rely upon Vlcek as the base reference and Hummelsheim as a secondary reference. Vlcek is directed to management of a vehicle fleet based upon each of the vehicle's distance from an incident site. Only communications from vehicles within a predetermined distance from the incident site are sent to a remote location. In this manner, the vehicles may be dispatched more efficiently. If a vehicle is outside the predetermined distance, the communications from the vehicle to the remote location is delayed by a time calculated based upon the distance of the vehicle from the incident site. In sum, the communications from the vehicle to the remote location occurs with reference to the incident site and not a change in vehicle location. A change in vehicle location is of no relevance or utility in Vlcek. For example, a fleet vehicle may be parked only feet from the incident site, never moving and changing location, and yet, the teachings of Vlcek dictate that the fleet vehicle would communicate with the remote site because it is likely to be the closest and most efficient vehicle to respond at the incident site. To this end, there is no benefit or motivation to communicate from the vehicle to the remote location based upon a change in location. Accordingly, the combination of Vlcek and Hummelsheim is improper and the rejections of claims 1, 3-4, 7-8, 14, and 16-21 cannot be supported.

Furthermore, with respect to claims 14 and 16-21, none of the combinations disclose a

vehicle communicating with a remote location at different frequencies based upon different vehicle location, as required by claim 14. Vlcek discloses a vehicle communicating with a remote location at different frequencies based upon a distance from an incident site not a different vehicle location. Distance from an incident site and changes in vehicle location are not the same. For example, a vehicle may travel in an arc relative to an incident site and the distance will not change relative to the incident site, although the vehicle has changed location. None of the combinations relied upon by the Examiner disclose this limitation of claim 14, and as a result, claims 14 and 16-21 are allowable for this additional reason.

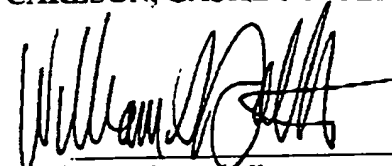
Claims 2, 5-6, 9, 12-13, 15, and 22 were rejected §103 as being obvious over Hummelsheim in view of Cisneros. Claims 2, 5-6, 15, and 22 depend from either claim 1 or claim 14. Hummelsheim and Cisneros together do not disclose all of the limitations of either claim 1 or claim 14. Hummelsheim and Cisneros do not disclose communicating from the vehicle to the remote location based upon a change in location, as required by claim 1. Hummelsheim and Cisneros do not disclose communicating with a remote location at different frequencies based upon different vehicle location, as required by claim 14. Accordingly, claims 2, 5-6, 9, 12-13, 15, and 22 are allowable.

Claim 9 requires that the trigger device command said transmitter to produce the transmission signal based upon the change in location. Hummelsheim and Cisneros do not disclose transmitting a signal based upon a change in location, as required by claim 9. Accordingly, claim 9 and the claims depending therefrom are allowable.

For the reasons set forth above, Applicant submits that the pending claims in the application are allowable. Applicant respectfully solicits allowance of these claims.

Respectfully submitted,

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Version with markings to show changes made
IN THE CLAIMS:

Please amend claims 14-17 and 21 and 22 as follows:

14. (Amended) A method for transmitting the location to a location remote from the vehicle comprising the steps of:

a) determining a location of the vehicle relative to a road network defined as a first location;

b) determining a new location of the vehicle relative to the road network defined as a second location;

c) communicating the first location of the vehicle to the remote location [o] at a first frequency; and

d) communicating the second location of the vehicle to the remote location at a second frequency different from the first frequency.

15. (Amended) The method of claim [12] 14 wherein the location of the vehicle is communicated in said step b) with reference to the road network.

16. (Amended) The method of claim [13] 15 wherein the road network is in a map database.

17. (Amended) The method of claim [14] 16 wherein the location of the vehicle is determined in said step a) by map-matching.

21. (Amended) The method of claim [12] 14 wherein the first location is part of a dense road network and the second location is part of a sparse road network wherein the first frequency is greater than the second frequency.

22. (Amended) The method of claim [12] ~~14~~ wherein the first and second locations have first and second speed limits, respectively, with the first speed limit being greater than the second speed limit, wherein the first frequency is less than the second frequency.